

**Minutes of the Carlisle Board of Health  
February 25, 2014**

Present: Bill Risso (Chairman), Catherine Galligan, Vallabh Sarma, Donna Margolies, Lee Storrs. Also present: Linda Fantasia, Health Agent, Karina Coombs (Mosquito), Rob Frado (TCG), Mark Beaudry (Meridian) and Toby Kramer (NOAH); Ed Rolfe (Planning).

**MINUTES – It was moved (Galligan) and seconded (Margolies) to approve the minutes of 12/3/13 as amended. Motion passed 5-0-0. It was moved (Margolies) and seconded (Storrs) to approve the minutes of 12/18/13 as amended. Motion passed 5-0-0. It was moved (Galligan) and seconded (Margolies) to approve the minutes of 2/4/14 as amended. Motion passed 5-0-0.**

**BILLS – Office supplies. It was moved (Galligan) and seconded (Storrs) to approve the bills as presented. Motion passed 5-0-0.**

**BENFIELD FARMS** – Toby Kramer (NOAH) and Mark Beaudry (Meridian Engineering) met with the Board to request a Certificate of Compliance for the septic system installation. The Board had informed the developer that it would only issue a Certificate of Compliance if all of the Board's permit conditions had been satisfied. This included the Operation and Maintenance (O&M) Manual, funding of the escrow account and an approved As-Built plan.

Beaudry explained that the Building Inspector had issued a Temporary Occupancy Permit. Tenants will begin moving in on March 1<sup>st</sup>. All of the work on the septic system has been done and an installation as-built submitted to Frado and the Board. Two copies of the O&M Manual were provided, one for the Health Agent and one for Frado. The developer is interested in obtaining the Certificate as soon as possible.

Frado had reviewed the installation as-built and forwarded his comments to Beaudry. Beaudry explained to the Board how each of the items had been satisfied. Frado also noted that the lock on a kill switch needed to be addressed along with identifying who would have the key. Beaudry said they could install a knock box similar to the ones used by fire departments, in the pump house. This would give authorized personnel immediate access. The Perc-Rite and FAST systems have been certified by the vendors. Frado said the partial as-built does not include final grades. Correct grades are important over the leaching area and along the force main. Beaudry said the system was backfilled and brought to grade and has more than sufficient cover over the field. The force main is below an existing cart path. He is confident that the placement of the lines is correct. The Zoning Board requires a complete As-Built of the entire site which will be done in the spring. The Board does not want to wait until spring to issue the Certificate if the system is already in use. Frado said it should be possible to take shot grades at various points even with the snow cover. Beaudry agreed to look into this. Kramer asked if the Board would consider issuing a full Certificate with conditions rather than a Temporary one with an expiration date.

Kramer said the escrow account has been funded according to the formula in the permit. A reserve account has been established and funded with an initial \$25,000 for emergency repairs. The account will continue to be funded, prorated over a 15 year period for a total of \$100,000. This account is intended solely for repair and replacement of the septic system. A water reserve account has \$8000 as required by DEP for the public water supply. The combined funds will eventually total \$150,000 for septic and well repairs and replacements. The facility owner has full access up to \$13,000 from the reserve account; anything greater requires approval by the Board. An annual funding report will be submitted to the Board.

Fantasia noted that the town does not have access to the escrow account. Larry Barton, Finance Director, and DEP recommend that they and the Board of Health have access to any escrow account. Kramer did not believe this was necessary and was uncertain how the town could be given access to the funds which are currently in the names of the partners of the Benfield Farms LLP. The Board explained that should there be a catastrophic failure of the septic system and that the facility owner (Benfield Farms LLP) was unwilling or unable to address it, the Board would need immediate access to the funds. Alternatively the town would have to provide emergency funding and then take

legal action to get reimbursed. The Board agreed to look into this further and Fantasia will check with the Finance Director for suggested mechanisms.

The Board then reviewed Frado's comments on the O&M followed by Fantasia's.

### **Operation and Maintenance Manual Comments**

Emergency Contact information - Phone numbers shown were not always covered. The Board of Health staff called the numbers to verify with only partial success. Some were only during business hours. Messages would eventually be retrieved. Beaudry explained that the facility has an alarm service, K & R, who will have all of the contact numbers depending on the situation. Peabody Partners will have a 24/7 response system and a part time facility manager or back up but no one is onsite at all times. The details are being worked out.

Emergency Procedures - Risso was concerned that a septic failure requires immediate attention by someone knowledgeable. The quickest way to contain a problem is to shut down the system immediately. There should be step by step procedures clearly listed in the O&M on how to do this. It should not have to wait for a repair technician. Galligan agreed that if it might take a while to address the problem, someone at the site should know how to shut down the system. Frado was concerned that the first occupants are due to move in 3/1/14. It is not unusual to have a major problem when a new system, particularly one with alternative technology, goes online. Actual usage may present different problems from the startup test. The Board emphasized the importance of immediate response to a system failure. In addition to lack of information on the emergency contact the emergency procedures provided had no detail other than the septic tank would act as a tight tank. This would require retrofitting the tank as a tight tank and pumping as needed. The Board wanted to know who would be checking the levels to determine when it needed to be pumped. Beaudry did not think it would result in an immediate problem where the system would need to be shut down entirely. The tank is required to have three days storage but in reality has closer to six because of the equalizer tank and pump chamber.

Partial Certificate – Frado pointed out that the Board's regulations do not allow partial certificates. The Board agreed to discuss this.

Warranties – Frado noted that the Limited Warranties for the systems have not been filled in and there is no record of Product Registration. Beaudry said some had been submitted.

Deed Recordings – Fantasia said the I/A systems are to be recorded on the property deed. Forms were included in the manual but not completed and no evidence of recording. Kramer explained that due to the complicated nature of the 40B permitting process, it was agreed by all parties upon the advice of legal counsel to record and Acknowledgement Deed rather than individual recordings. She will forward a copy to the Board.

Pagination and index – Beaudry and Kramer explained that the manual is intended as a living document. Inserting or deleting items makes pagination difficult. Galligan said page numbers can be very helpful in finding particular sections, for example during a conference call. The group agreed that the sections could be better displayed for easier access.

Penalties for non-compliance – the Board agreed it already had authority to issue fines under local and state codes.

Reporting – It was agreed that an annual report would be due in March. The report must include meter readings, financial documents, pump outs, and alarm events. The system requires a Title 5 Inspection every three years.

Monitoring Wells – need to be properly labelled. Beaudry said this will be done. Beaudry offered an explanation of the baseline well testing. There is a contract with Water Treatment Systems to do the monitoring in accordance with the schedule in the permit. MW#3 had some background results for Kjeldahl Nitrogen. According to the lab, it could be related to a number of factors including installation of the well, recent water runoff, well location. There has been no discharge from the system. The state does not have limits for Total Nitrogen or Total Phosphorous in the Drinking Water Standards. Beaudry did not see the results as a problem.

Equipment labelling – The Board would like photos in the manual.

Public Water Supply – DEP has issued final approval for the system to be brought online. The name of the Certified Well Operator under contract will be provided.

The Board discussed whether to issue a partial or temporary certificate. Kramer said all of the additional information should be provided within one month. Frado said they could do spot grades for the final as-built. Galligan opted for a temporary certificate to expire 3/25/14. It sets a deadline for completing the work and satisfying the conditions. Sarma favored a partial certificate. If the owner does not meet the conditions of the temporary permit, the occupants would need to move out. Frado said he would not sign off on a full certificate without approving the final grades. Risso said he wanted Frado to sign off before issuing the full certificate.

The Board agreed that it has a high level of confidence in the systems and the property managers. There is always the possibility of a failure when the system is initially brought online. The Board wants to make sure that any problems that arise in the beginning can be dealt with properly.

**It was moved (Storrs) and seconded (Galligan) to issue a temporary Certificate of Compliance until April 8, 2104 to Benfield Farms Development, 575 South Street, Carlisle, MA conditional upon satisfying the following (1) items #1-5 of the technical review dated 2/24/14, (2) additional information for the Operations and Maintenance Manual noted in TCG letter dated 2/25/14 and Board of Health meeting comments, (3) copy of the Deed Acknowledgement Agreement, (4) signed and registered system warranties, (5) proper labelling of monitoring wells, (6) escrow account resolution and (7) interim reports. Motion passed 5-0-0.**

Frado noted that the Temporary Certification includes only field inspections of the installed components and does not include inspection and approval of final grades over the force main and leaching area.

**GOALS** – next meeting.

There was no further business discussed. Meeting voted to adjourn at 9:15 pm.

Respectfully submitted,

Linda M. Fantasia, Recorder